

**AGENDA**



**Recommendation for Council Action**

Austin City Council	Item ID	31306	Agenda Number	56.
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Meeting Date:	3/27/2014	Department:	Planning and Development Review
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**Subject**

Conduct a public hearing and consider an appeal by Kareem Hajjar regarding the Planning Commission’s denial of a conditional use site plan (Weather Up, SPC-2013-0405A) with a late-hours permit and parking variance for an existing restaurant located at 1808 East Cesar Chavez St.

**Amount and Source of Funding**

**Fiscal Note**

Purchasing Language:

Prior Council Action:

For More Information: Andrew Linseisen, Planning and Development Review, (512) 974-2239; Brad Jackson, Planning and Development Review, (512) 974-3410.

Boards and Commission Action: February 11, 2014 – Not approved by the Planning Commission on a 3-3-3 vote due to indecisiveness on the motion with Commissioners Hatfield, Chimenti and Smith voting against.

MBE / WBE:

Related Items:

**Additional Backup Information**

The applicant, Kareem Hajjar, is appealing the Planning Commission’s denial of the Conditional Use Site Plan for Weather Up located at 1808 East Cesar Chavez St.

The applicant requested a conditional use permit to allow alcohol sales with a late hours permit at an existing restaurant totaling 956 square feet, and a variance from LDC 25-5-146(B) to allow parking within 200’ of residential uses. The restaurant has an additional approximate 900 square feet of outdoor patio space. The second floor has 639 square feet used as a residential apartment. All of the site improvements are existing and no development is proposed. The site was zoned CS-MU-CO-NP by Ordinance No. 20001214-20 on December 14, 2000. The site was issued a Conditional Use Permit for a Restaurant (General) use on April 23, 2003 through SPC-02-0039A. The zoning ordinance lists Restaurant (General) as a conditional use of the property.

The restaurant is directly adjacent to a single-family use property, and there are seven other single-family use

properties within 200' of the restaurant's parking lot. The closest parking space is approximately 35 feet from the adjacent single-family use. On-street parking is not permitted along East Cesar Chavez or Chicon Street adjacent to the site. The nearest on-street parking is located along 2<sup>nd</sup> Street 300 feet north of the restaurant.

Staff recommends approval of the appeal, and of the conditional use permit and variance request.